

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Rule making related to air quality

The Environmental Protection Commission (Commission) hereby amends Chapter 20, “Scope of Title—Definitions,” Chapter 21, “Compliance,” and Chapter 22, “Controlling Pollution,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455B.133 and 455B.134.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.133 and 455B.134.

Purpose and Summary

Collectively, Chapters 20 through 22 regulate air pollution. This rule making requires the electronic submittal of all air emissions reporting, air permit applications, and other air quality documents. In brief, electronic submittals will increase government efficiencies and reduce programmatic costs of the Department of Natural Resources (Department). Electronic submittals allow permit applications and emissions inventories to be filed from any location at any time. Electronic submittals also enable Department staff to timely review and process the submittals regardless of the staff’s work location. In tandem, this change removes the delays and costs inherent in mailing and scanning paper documents.

In more detail, under the rule making, minor sources of air emissions are required to file emissions data into the State and Local Emissions Inventory System (SLEIS). SLEIS is a well-utilized resource already, with approximately 70 percent of minor sources choosing to submit their 2020 emissions data through the system (complete emissions reporting data for 2021 is not yet available). Major sources have been required to use SLEIS since 2019.

Emissions inventory data collection and analysis are critical to understanding and improving Iowa’s air quality. Having all emissions data in one electronic system makes it easier for the Department to track data, report to the national emissions inventory, and respond to external and internal requests for emissions data. For several years, all paper emissions inventories have been manually entered into SLEIS by Department staff. Staff data entry of paper inventories can be time consuming and costly. A fully electronic submission system will eliminate the need for manual entry, freeing up support staff to work on other tasks.

Similarly, under the rule making, both major and minor sources of air emissions are required to use the Iowa Environmental Application System for Air (Iowa EASY Air) for all air construction and Title V operating permit applications. Iowa EASY Air is also a popular resource and has been since its release in 2019. Over the past year, approximately 88 percent of Title V new and renewal permits and approximately 80 percent of construction permit applications have been voluntarily submitted through the system.

Iowa EASY Air makes air construction and Title V operating permit application preparation and other submissions easier and more efficient for the regulated community. The Department issues over 2,000 air quality permits every year. Over time, Iowa EASY Air has increased the Department’s permit review and issuance rate and data accuracy, thereby cutting costs for both applicants and the Department. Additionally, data available in Iowa EASY Air supplies the Department’s downstream electronic systems, helping to lessen the data entry burden by industry and the Department.

The Department will continue to offer training, outreach, and help desk assistance to all system users.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 12, 2022, as **ARC 6144C**. A public hearing was held on February 14, 2022, at 1 p.m. via video/conference call. No one attended the public hearing.

The Department received one written comment prior to the February 14, 2022, deadline for public comments. The commenter had no objections to the proposed amendments, but requested that the Commission also revise Chapters 20 and 25 in order to allow stack test reports and notifications to be submitted electronically. The Commission is not making the additional suggested rule changes at this time because, in the case of stack test reports, reviewing these reports electronically would add significant time and effort to the Department's review process. The Department's public participation responsiveness summary is available from the Department upon request.

One change from the Notice has been made to correct an outdated address in subrule 22.105(1) (Item 4).

Adoption of Rule Making

This rule making was adopted by the Commission on March 15, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on May 11, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **567—20.2(455B)**, definition of “Electronic format,” as follows:

“*Electronic format*,” “*electronic submittal*,” and “*electronic submittal format*,” for purposes of the rules in 567—Chapters 20 through 35, mean a software, Internet-based, or other electronic means specified by the department for submitting air quality information or fees to the department related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications and registrations. References to these information submittal methods in 567—Chapters 20 through 35 may, as specified by the department, include electronic submittal as stated in the applicable administrative rules.

ITEM 2. Amend subrule 21.1(3) as follows:

21.1(3) Emissions inventory. The person responsible for equipment as defined herein shall provide information on fuel use, materials processed, air contaminants emitted (including greenhouse gases as “greenhouse gas” is defined in rule 567—20.2(455B)), estimated rate of emissions, periods of emissions or other air pollution information to the director upon the director’s written request for use in compiling and maintaining an emissions inventory for evaluation of the air pollution situation in the state and its various parts. The Until December 31, 2022, the information requested shall be submitted on forms or by electronic format specified by the department. On or after January 1, 2023, the information requested shall be submitted in the electronic format specified by the department, if electronic submittal is provided. All information in regard to both actual and allowable emissions shall be public records, and any publication of such data shall be limited to actual and allowable air contaminant emissions.

ITEM 3. Amend subrule 22.1(3), introductory paragraph, as follows:

22.1(3) Construction permits. The owner or operator of a new or modified stationary source shall apply for a construction permit. ~~One~~ Until December 31, 2022, one copy of a construction permit application for a new or modified stationary source shall be presented or mailed to the air quality bureau of the department of natural resources. Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail. Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department. References to “application(s),” “certification(s),” “determination request(s),” “emissions inventory(ies),” “fees,” “form(s),” “notification(s),” “payment(s),” “permit application(s),” and “registration(s)” in rules 567—22.1(455B) through 567—22.10(455B) may, as specified by the department, include electronic submittal. An owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or rule 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail. The owner or operator of any new or modified industrial anaerobic lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22. The owner or operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65.

Until December 31, 2022, an owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or rule 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. Alternatively, the owner or operator may apply for a permit as required pursuant to rule 567—31.3(455B) or rule 567—33.3(455B) through the electronic submittal format specified by the department.

The owner or operator of any new or modified industrial anaerobic lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22. The owner or operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65.

On or after January 1, 2023, construction permit applications, including the information referenced above and in rules 567—22.1(455B) through 567—22.10(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided.

ITEM 4. Amend rule 567—22.105(455B) as follows:

567—22.105(455B) Title V permit applications.

22.105(1) *Duty to apply.* For each source required to obtain a Title V operating permit, the owner or operator or designated representative, where applicable, shall, until December 31, 2022, present or mail a complete and timely permit application in accordance with this rule to the following locations: Iowa Department of Natural Resources, Air Quality Bureau, 502 East 9th Street, Des Moines, Iowa 50319 (one copy); and U.S. EPA Region VII, 11201 Renner Boulevard, Lenexa, Kansas 66219 (one copy); and, if applicable, the local permitting authority, which is either Linn County Public Health Department, Air Quality Division, 501 13th Street NW, Cedar Rapids, Iowa 52405 Air Quality Branch, 1020 6th Street SE, Cedar Rapids, Iowa 52401 (one copy); or Polk County Public Works, Air Quality Division, 5885 NE 14th Street, Des Moines, Iowa 50313 (one copy). Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, or hand delivery. Applications are not required to be submitted by certified mail. Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567—Chapter 30.

On or after January 1, 2023, Title V operating permit applications, including the information referenced above and in rules 567—22.100(455B) through 567—22.116(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567—Chapter 30.

a. and b. No change.

22.105(2) *Standard application form and required information.* To apply for a Title V permit, applicants shall, until December 31, 2022, complete the standard permit application form available only from the department and supply all information required by the filing instructions found on that form. ~~The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 567—30.4(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1) “c” and “d,” then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule 567—22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity. Nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:~~ Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.

On or after January 1, 2023, the standard application form shall be submitted in the electronic format specified by the department, if electronic submittal is provided.

~~The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 567—30.4(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1) “c” and “d,” then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule 567—22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity.~~

Unless otherwise specified in subrule 22.128(4), nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:

a. to j. No change.

22.105(3) to 22.105(5) No change.

ITEM 5. Amend subrule 22.128(4) as follows:

22.128(4) *Submission of copies.* One copy of all permit applications shall, until December 31, 2022, be presented or mailed to the air quality bureau of the department of natural resources. Alternatively On or after January 1, 2023, the designated representative may, as specified by the department, submit the application through electronic submittal shall submit the application in the electronic format specified by the department, if electronic submittal is provided.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.